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OFFICE OF PETITIONS

In re Patent No. 7,585,620	:
Schutz et al.	: DECISION ON REQUEST FOR
Issue Date: September 8, 2009	: RECONSIDERATION OF
Application No. 10/519,259	: PATENT TERM ADJUSTMENT
Filed: February 14, 2006	: AND NOTICE OF INTENT
Attorney Docket No.	: TO ISSUE CERTIFICATE OF
DEBE:046US/10413939	: CORRECTION
Title: METHOD FOR DETECTING AND	:
FOR REMOVING ENDOTOXIN	:

This is a decision on the petition filed on October 19, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by eighty-one (81) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by seventy-seven (77) days is **GRANTED to the extent indicated herein.**

The calculation of delay pursuant to 37 CFR 1.702(b) is based on a national stage commencement date of December 27, 2004, not December 24, 2004. As the expiration of the 30-month period pursuant to 35 U.S.C. 371(b) fell on a holiday, the period expired on the subsequent business day. See PCT Rule 80.5. Accordingly, the commencement date is Monday, December 27, 2004.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period

begins on December 28, 2007 and ends on June 10, 2008, the day before the RCE was filed, and is 166 days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 77, not 81 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **seventy-seven (77) days**.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required. The fee set forth in 37 CFR 1.18(e) is a requirement and will not be refunded.

Telephone inquiries specific to this matter should be directed to Petitions Attorney, Charlema Grant at (571) 272-3215.



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,585,620 B2

DATED : **September 8, 2009**

DRAFT

INVENTOR(S) : Schutz et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 0 days

Delete the phrase “by 0 days” and insert – by 77 days--